

1 DANIEL A. HOROWITZ (SBN 92400)

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4 Attorney for Plaintiff

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7  
8 **IN THE UNITED STATES DISTRICT COURT**  
9 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
10 **SAN FRANCISCO DIVISION**

11  
12 MICHAEL SAVAGE,

13 Plaintiff,

14 v.

15 COUNCIL ON AMERICAN-ISLAMIC  
16 RELATIONS, INC., COUNCIL ON  
17 AMERICAN-ISLAMIC RELATIONS ACTION  
18 NETWORK, INC., COUNCIL ON  
AMERICAN-ISLAMIC RELATIONS OF  
SANTA CLARA, INC. and DOES 3-100,

19 Defendants.  
20  
21

**Case No. C 07-6076 SI**

**DECLARATION OF IAN K. BOYD IN  
SUPPORT OF OPPOSITION TO MOTION  
FOR AN AWARD OF ATTORNEYS' FEES  
AND COSTS**

Date: November 14, 2008

Time: 9:00 a.m.

The Honorable Susan Illston

22 I, Ian K. Boyd, declare as follows:

23 1. I am a partner in the law firm of Harvey Siskind LLP. I have personal knowledge of  
24 the matters stated herein, and, if called as a witness, I could and would testify competently thereto.

25 2. On or about August 26, 2008, Daniel Horowitz, counsel of record for Plaintiff, called  
26 to advise me that he had received a telephone call from Matthew Zimmerman, counsel for  
27 Defendants, regarding a motion for attorneys' fees ("Fees Motion") that Defendants planned to file.  
28

1 Mr. Horowitz asked me if I would agree to contact Mr. Zimmerman on behalf of Plaintiff and I  
2 agreed to do so.

3 3. On August 26, 2008, I placed a telephone call to Mr. Zimmerman. Mr. Zimmerman  
4 advised me that Defendants intended to file the Fees Motion, but that he was not yet in a position to  
5 meet and confer. Later that same day, Mr. Zimmerman sent me an e-mail confirming that he was still  
6 consulting with his clients and advised me that he would try to get back to me by "tomorrow." A true  
7 and correct copy of Mr. Zimmerman's e-mail is attached hereto as Exhibit A.

8 4. Mr. Zimmerman did not contact me on August 27. On August 28, I again spoke with  
9 Mr. Zimmerman, and he again advised me that he was not yet in a position to meet and confer  
10 regarding the Fees Motion.

11 5. On August 29, 2008, Defendants filed the Fees Motion. At no point prior to filing the  
12 Fees Motion did Mr. Zimmerman meet and confer with me. Defendants' failure to meet and confer  
13 prior to filing the Fees Motion is in violation of Local Rule 54-6 (a), which states that "[c]ounsel for  
14 the respective parties must meet and confer for the purpose of resolving all disputed issues relating to  
15 attorney's fees before making a motion for award of attorney's fees."

16 I declare under penalty of perjury under the laws of the State of California that the foregoing  
17 is true and correct and that this declaration was executed this 20<sup>th</sup> day of October, 2008, in San  
18 Francisco, California.

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22 \_\_\_\_\_  
23 Ian K. Boyd  
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**EXHIBIT A**

Ian,

Thank you for your call earlier today regarding CAIR's upcoming fees motion in the Savage v. CAIR matter. I'm still consulting with my clients about the matters we discussed and will aim to get back to you by tomorrow.

Thanks again,

Matt

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Matthew Zimmerman  
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